

Notice of Allowability

Application No.

09/944,114

Examiner

Jason Mitchell

Applicant(s)

BARTON ET AL.

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on 2/15/06.
2. ☒ The allowed claim(s) is/are 1,4-6,10,11,14-16,20,21,24-26 and 30-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) . | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

The following is an examiner's statement of reasons for allowance:

The cited prior art, taken alone or in combination, fails to teach the claimed invention of providing an updated version of a computer file which may be downloaded by a computer; sending a tag indicative of availability of said updated computer file to email addresses associated with a database of computers; wherein said database of computers includes priority data indicating a priority level associated with an address, said priority level being used to control how rapidly after said updated version of said computer file is made available said tag is sent to said database of computers; wherein said tag includes data indicative of a version level of said computer file; wherein said tag is encrypted; wherein said tag is part of an e-mail message header; transmitting said tag through at least one local server and at least one email gateway connected to said computers in said database such that said at least one local server and said at least one mail gateway read said tag to determine if said data indicative of said version level of said computer file is more recent than a second version level of a computer file located on said at least one local server or said at least one mail gateway, respectively; if said tag includes data indicative of a more recent version level than said second version level of said computer file initiating a download of said computer file associated with said tag.

The closest prior art (US 6,151,643 Cheng; US 5,896,566 Averbuch) teach or suggest Providing an updated version of a computer file which may be downloaded by a computer; sending a tag indicative of availability of said updated computer file to email addresses associated with a database of computers; wherein said database of computers includes priority data indicating a priority level associated with an address, said priority level being used to control how rapidly after said updated version of said computer file is made available said tag is sent to said database of computers; wherein said tag includes data indicative of a version level of said computer file; wherein said tag is encrypted; wherein said tag is part of an e-mail message header; transmitting said tag through at least one local server and at least on email gateway connected to said computers in said database but do not disclose said at least one local server and said at least one mail gateway read said tag to determine if said data indicative of said version level of said computer file is more recent than a second version level of a computer file located on said at least one local server or said at least one mail gateway, respectively; if said tag includes data indicative of a more recent version level than said second version level of said computer file initiating a download of said computer file associated with said tag.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Mitchell whose telephone number is (571) 272-3728. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason Mitchell
05/09/06



KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100